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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,417	02/24/2000	Klaus Vogler	LMPY-4910	5556

7590

07/18/2003

STALLMAN AND POLLOCK LLP
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EXAMINER

FLORES RUIZ, DELMA R

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 09/512,417	Applicant(s) VOGLER, KLAUS	
	Examiner Delma R. Flores Ruiz	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Paul Ip
SPB 2828

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, and 10 - 14 are rejected under 35 U.S.C. 103(a) as being obvious over Stamm et al (6,381,256) in view of "Diamond –vs- Photodiode; High speed planar photoconductor", Centronic Ltd., Electro optics division, Croydon, CR9 OBG, England, February 2, 1999.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference,

prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding claims 1 – 6, and 10 – 15 Stamm discloses a laser system comprising; a molecular fluorine (F₂) gain medium disposed in a resonant cavity (see Figs. 1 – 6B Abstract, Column 1, lines 30 – 54, and Column 2, lines 5 – 12) a power supply (Fig. 1 Character 3, Column 5, lines 37 – 40) for exciting the gain medium to produce a laser beam having an ultra violet (UV) radiation output at substantially 157 nm (Abstract, and Column 1, lines 30 – 54), and a red radiation output in a 620 to 760 nm wavelength range, (Column 6, lines 48 – 53). A controls for controlling the power supply, wherein the controller modifies the excitation of the gain medium by the power supply in response to the optical parameter measured (see Fig. 1 – 6B, and Column 5, lines 37 – 40). The laser system comprising a laser tube for containing the gain medium, wherein the gain medium is gaseous; (Abstract, Column 1, lines 30 – 54, Column 2, lines 1 – 12,

66 – 67, Column 3, lines 1 – 6, and Column 5, lines 55 – 65) a gas control system connected to the laser tube for adding and withdrawing gas to the gain medium; and controller for controlling the gas control system, wherein the controller modifies the gas added to and withdrawn from the gain medium in the laser tube by the gas control system in response to the optical parameter measured (see Fig. 1 – 6B, and Column 5, lines 37 – 40). The optical parameter is UV radiation energy output, and the controller operates both the power supply and the discharge module to regulate and stabilize the energy output of the UV radiation in response to the UV energy output measured (see Fig. 1 – 6B, and Column 5, lines 37 – 40). The optical parameter is at least one of power level, pulse energy, energy dosage, and pulse waveform (Abstract, Column 1, lines 30 – 54, Column 2, lines 1 – 12, 66 – 67, Column 3, lines 1 – 6, and Column 5, lines 6 – 10, 55 – 65, Column 6, lines 8 – 53).

Stamm discloses the claimed invention except for and a photo diamond detector that receiver a portion of the laser beam for measuring at least one optical parameter of the UV radiation; wherein the photo diamond detector is substantially insensitive to the red radiation output in the laser bean. It would have been obvious at the time of applicant's invention, to combine "Diamond –vs- Photodiode; High speed planar photoconductor", Centronic Ltd., Electro optics division, of teaching and a photo diamond detector that receiver a portion of the laser beam for measuring at least one optical parameter of the UV radiation; wherein the photo diamond detector is substantially insensitive to the red

radiation output in the laser beam with a laser system because the PD1.4 is solid state deep ultraviolet photo detector fabricated from high synthetic diamond film. The device operates in the photoconductive mode and combines high sensitivity to UV light with outstanding rejection of visible wavelength. The PD 1.4 is a two terminal device, which relies upon the wide bandgap of diamond, and its consequence intrinsic resistivity, to present resistance on the OFF state of $\cong 10\text{G}\Omega$. Absorption of light which has energy equal to or greater than the bandgap ($\geq 5.5\text{ eV}$, $\leq 225\text{nm}$) results in the photogeneration of carriers within the diamond such that the resistance drops in proportion to the intensity of the illumination applied; this typically yields an ON state in the order of $10\text{M}\Omega$. The device is a light sensitive resistor, so which the resistance is modulated by the intensity of incoming illumination, the current measured through the detector is a function of the applied bias as determined by Ohm's law. Because of the combined effects of carrier trapping in the polycrystalline diamond film and the high electric field breakdown strength of Centronics processed diamond, it is possible to exploit this simple current-voltage relationship to measure each photogenerated carrier more than once multiplication achieving amplification without carrier multiplication; this is described below in "Photoconductivity Gain". The measured spectral responsivity of the PD 1.4 is plotted in the two graphs below. Due to a difference in the active areas of the device, the 130- 250 nm characteristics is plotted with reference to the NIST standard rather than as an absolute value. The solid-state deep UV photoconductor devices, which exhibit

high sensitivity in the wavelength, range $<130 - 225$ nm whilst remaining insensitive to longer (visible) wavelength. The detector is fabricated from high purity synthetic diamond film and is designed to act as an enabling technology for application areas such as excimer laser process control, flame/combustion sensor and high intensity lamp monitoring. Major benefits offered by the Photo diamond sensor include negligible visible response (an inherent property of pure diamond), low voltage operation, low dark current and radiation hardness combined with the physical robustness of one of the hardest materials on earth. The spectral response of these detectors makes them ideal both for stand-alone use at short wavelength and a complementary sensor solution for broadband application alongside SiC and Si photodiode. One of ordinary skill in the art would have recognized that the method as claimed is implicitly stated over the description of the apparatus disclosed above.

Claims 7 – 9, and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Stamm et al (6,381,256) in view of "Diamond –vs- Photodiode; High speed planar photoconductor", Centronic Ltd., Electro optics division, Croydon, CR9 0BG, England, February 2, 1999 further in view of Govorkov et al (6,463,084).

R ***garding claim 7 – 9***, Stamm in view of “Diamond –vs- Photodiode; High speed planar photoconductor”, Centronic Ltd., Electro optics division, Croydon, CR9 OBG, discloses the claimed invention except for a laser system a beam splitter disposed in the laser beam splitter disposed in the laser beam to deflect the portion of the laser beam toward the photo diode detector and a scattering plate the metal mash shielding disposed at a front face of the photo detector for preventing EMI disturbance to the photo detector and has different mesh wire densities to adjust transmitted energy to the photo detector. It would have been obvious at the time of applicant’s invention, to combine Govorkov of teaching a laser system a beam splitter disposed in the laser beam splitter disposed in the laser beam to deflect the portion of the laser beam toward the photo diode detector and a scattering plate the metal mash shielding disposed at a front face of the photo detector for preventing EMI disturbance to the photo detector and has different mesh wire densities to adjust transmitted energy to the photo detector with laser system because the splitter is for reflecting a portion of the beam reflected by photodiode, and the grating may be used both for dispersing the beam for achieving narrow bandwidths and also preferably for retro reflecting the beam back toward the laser tube.

Response to Arguments

Applicant's arguments filed 6/02/2003 have been fully considered but they are not persuasive. The applicant need to an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (703) 308-6238. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Art Unit: 2828

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.



Delma R. Flores Ruiz
Examiner
Art Unit 2828



Paul Ip
Supervisor Patent Examiner
Art Unit 2828

DRFR/PI
July 14, 2003